

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that (i) claims 1-19 are pending; (ii) claims 1-5, 7, 9-14 and 16-19 are rejected; and (iii) claims 6, 8 and 15 are objected to. In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

OBJECTIONS

The Office objected to dependent claim 11 because the Office contends that the dependent claim 11 was not numbered in accordance with 37 C.F.R. § 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution. The Office also contends that claim 11 must be cancelled since it was not included in the listing of claims for consideration. The Applicants respectfully disagree that claim 11 is not numbered in accordance with 37 C.F.R. § 1.126.

Upon review of the application as originally filed, the Applicants note that the application included claims 1-19, not 1-18. Although claim numbering under 37 C.F.R. § 1.126 is not affected by canceling, withdrawing, adding new or otherwise modifying the claims, the Applicants further note that depended claim 11 has not been cancelled, withdrawn or otherwise removed from consideration. As such the Applicants submit that claim 11 is not to be cancelled, and the claims should not be renumbered as contended by the Office.

ALLOWABLE CLAIMS

The Applicant thanks the Office for indicating dependent claims 6, 8 and 15 are allowable if rewritten in independent form including all of the limitations of their rejected base claim and any intervening claims. In view of this, the Applicants:

- amend independent claim 1 to incorporate the allowable subject matter of the dependent claim 8, thereby placing the now currently-amended independent claim 1 in allowable form;
- leave dependent claims 2-7 in originally filed form;
- cancel formerly dependent claim 8;
- amend independent claim 9 to incorporate subject matter consistent with the allowable subject matter of the dependent claim 8, thereby placing the now currently-amended independent claim 9 in allowable form;
- amend dependent claims 10-13 to attend to antecedent basis issues;
- amend independent claim 14 to incorporate the allowable subject matter of the dependent claim 15, thereby placing the now currently-amended independent claim 14 in allowable form;
- cancel formerly dependent claim 15;
- leave dependent claim 16 in originally-filed form;
- amend independent claim 17 to incorporate subject matter consistent with the allowable subject matter of the dependent claims 8 and 15, thereby placing the now currently-amended independent claim 17 in allowable form;
- amend dependent claim 18-19 to attend to antecedent basis issues;
- add new independent claim 20, which includes all of the elements of the originally-filed independent claim 1, originally-filed dependent claim 6 and intervening dependent claims 2 and 5, thereby placing the new independent claim 20 in allowable form; and
- add new dependent claim 21, which depends from the new independent claim 20 and includes subject matter consistent with the elements of the originally-filed claim 7.

Accordingly, the Applicants submit that each of the currently-amended and new independent claims 1, 9, 14, 17 and 20 are in allowable form. Each of the dependent claims 2-7 ultimately depends from the currently-amended independent claim 1. Each of the dependent claims 10-13 ultimately depends from the currently-amended independent claim 9. The dependent claim 16 depends from the currently-amended

independent claim 14. Each of the dependent claims 18-19 ultimately depends from the currently-amended independent claim 17. And the dependent claim 21 depends from the new independent claim 20. No new matter has been added to the application by way of the foregoing amendment.

In light of the foregoing amendment, the Applicants submit claims 1-7, 9-14 and 16-21 are allowable. Although the Applicants amend the claims as above, they do so without prejudice and with reserving the right to prosecute in a continuation application the claims as originally filed and/or otherwise amended.

CONCLUSION

In view of the foregoing, the Applicants believe that all the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited. If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732-978-4899 or the office of the undersigned attorney at 732-978-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,
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